

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

JULIO FELIX,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Civil Action Number: 2:08-5055

ORDER

HON. WILLIAM J. MARTINI

ORDER

Felix moves for default in regard to his Section 2255 motion. Petitioner's Section 2255 motion was fully briefed and decided on May 6, 2010. Petitioner thereafter took an appeal. Petitioner puts forward no legal basis to move for default at this juncture before this Court. The Government, citing Rule 5 of the Rules Governing Section 2255 Proceedings, argues that it is not in default because it responded by motion. The Court agrees.

IT IS on this 2nd day of December, 2010;

ORDERED that Plaintiff's motion for default is **DENIED**.

s/ William J. Martini
William J. Martini, U.S.D.J.